

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 22, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOSE REYNOSO,

Petitioner,

v.

JOSEPH A. BRUSIC and STATE OF
WASHINGTON,

Respondents.

No. 1:24-CV-03066-MKD

ORDER DISMISSING ACTION
WITHOUT PREJUDICE

By Order filed June 13, 2024, the Court instructed Petitioner Jose Reynoso, a *pro se* prisoner awaiting sentencing and currently housed at the Yakima County Jail, to show cause why his federal habeas corpus petition should not be dismissed. ECF No. 4. By that same Order the Court granted Petitioner leave to proceed *in forma pauperis*. *Id.* Respondents have not been served.

In his petition, Mr. Reynoso did not name his current custodian as Respondent, thus depriving this Court of personal jurisdiction. *See Stanley v. Cal. Sup. Ct.*, 21 F.3d 359, 360 (9th Cir. 1994). He also failed to present any grounds

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1 for federal habeas corpus relief as required by the federal Habeas Rules. *See* Rule
2 2(c), 28 U.S.C. foll. § 2254 (“Habeas Rules”); *James v. Borg*, 24 F.3d 20, 26 (9th
3 Cir. 1994) (“Conclusory allegations which are not supported by a statement of
4 specific facts do not warrant habeas relief.”). In addition, it appears that abstention
5 under *Younger v. Harris*, 401 U.S. 37 (1971), is appropriate in this action. *See id.*
6 at 45 (“[T]he normal thing to do when federal courts are asked to enjoin pending
7 [state criminal] proceedings in state courts is not to issue such injunctions.”).

8 Petitioner did not comply with the Order to Show Cause, ECF No. 4, and he
9 has filed nothing further in this action. The Court cautioned Petitioner that his
10 failure to show cause would be construed as his consent to the dismissal of this
11 action. It appears that he has abandoned this litigation. Therefore, the Court will
12 dismiss this habeas action without prejudice. *See Beltran v. California*, 871 F.2d
13 777, 782 (9th Cir. 1988).

14 Accordingly, **IT IS ORDERED:**

15 1. This action is **DISMISSED WITHOUT PREJUDICE**.

16 2. The Court certifies that any appeal from this decision could not be
17 taken in good faith, and there is no basis upon which to issue a certificate of
18 appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A certificate of
19 appealability is therefore **DENIED**.

1 **IT IS SO ORDERED.** The Clerk's Office shall file this Order, **ENTER**
2 **JUDGMENT**, provide copies to Petitioner, and **CLOSE** this file.

3 **DATED** July 22, 2024.

4 *s/Mary K. Dimke*
5 MARY K. DIMKE
6 UNITED STATES DISTRICT JUDGE
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